

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
 v.) CRIMINAL NO. 05-10113-DPW
)
 REYLANDO REYES)

DEFENDANT'S REQUESTED
VOIR DIRE OF PROSPECTIVE JURORS

Defendant, Reylando Reyes, respectfully moves, pursuant to Fed. R. Crim. P. 24(a), that in an effort to obtain a fair and impartial jury, this Court utilize the attached juror questionnaire that addresses racial bias or prejudice.¹ The defendant further moves that this Court ask the following general questions of the venire (Part I) then follow up with individual questioning of the venire where warranted based on juror's answers to the questionnaire and to this Court's general questions (Part I).

If the Court does not allow defendant's motion for a juror questionnaire, defendant requests that the Court conduct an individualized examination of the prospective jurors on the question of their attitudes toward race. See Part II, infra.

¹ Defendant, respectfully moves, that the Court grant his motion for attorney conducted voir dire, which has been filed with the court on this date. The proposed questions filed herein are requested in the event the Court denies defendant's motion for attorney-conducted voir dire.

PART I

1. The government claims that on February 27, 2005
Mr. Reyes was in possession of a single bullet. Do you have
any reaction to the allegations that might make it difficult
for you to be fair or impartial in this case?
2. Do you think the fact that this case involves possession of
a single bullet might make it difficult for you to evaluate
the evidence in this case fairly and impartially?
3. Mr. Reyes is charged with illegally possessing the single
bullet after having been previously convicted of a crime
carrying a possible term of imprisonment of more than one
year. Is there anything about this charge that makes you
question your ability to be fair and impartial in listening
to the evidence in this case?
4. Do you think the fact that Mr. Reyes has been charged with
possessing only one bullet might make it difficult for you
to take this matter seriously and to uphold your oath as a
juror.
5. Would you treat the testimony of a police officer
differently from that of any other witness?
6. Under our system of law, a defendant in a criminal case has
a guaranteed right to be considered innocent until proven
guilty. Do you think a defendant in a criminal trial should
be made to prove his innocence?

7. The presumption of innocence means that Reylando Reyes does not have to prove his innocence. Mr. Reyes has an absolute right not to testify. Would you hold it against Mr. Reyes in any way if he did not testify?
8. On the other hand, if Mr. Reyes did testify would you hold his testimony to a higher standard than any other witness in this case?
9. Mr. Reyes is presumed innocent unless the government proves to each member of the jury that he is guilty, beyond a reasonable doubt. If the government fails to convince each juror beyond a reasonable doubt of each of the elements of the offense charged, the defendant must be found not guilty. Do you question or doubt in any way your ability to accept the presumption of innocence?
10. Does the simple fact that Mr. Reyes has been charged with a crime and is sitting in court today make you think that he must have done something wrong or he would not be here?
11. If the Judge asked you to render a verdict right now what would your verdict be and why?
12. If any juror answers that they could not render a verdict at this time or their verdict would be guilty, the defendant would propose that follow-up questions be put to the panelists who so answered regarding whether they understood that since no evidence has been presented against Mr. Reyes

they would have to find him not guilty based on the fact that he is presumed innocent.

13. Have you, your spouse or any member of your family, ever been a victim of crime?
14. Have you, your spouse, or any member of your family, ever been a witness to a crime?
15. If any juror answers yes to question 10 or 11, the defendant would propose that follow-up questions be put to the individual panelist who answered in the affirmative concerning their experiences of the criminal process, whether they felt the process was fair or unfair, whether their experience affects their ability to be a juror in a criminal case at present.
16. Do you have any relatives who are members of any police force, law enforcement agency, prosecutor's office or security agency?
17. Have any newspaper articles, television reports, or media coverage about crime, shootings, violence, ammunition, or firearms affected you in a way that might make it difficult for you to decide this case solely upon the evidence produced at trial?

PART II

Defendant submits that, if his request for a jury questionnaire is denied, the Court should make individualized

inquiry of the remaining prospective jurors on the sensitive subject of their possible preconceived opinions about the character or credibility of certain classes of people and their attitudes about the nature of the criminal charges:

1. You have no legal obligation to like or feel comfortable with a black person but you do have an obligation to tell the court your feelings candidly and accurately. Do you have any feelings or opinions about black people that would cause you to question your ability to be impartial in evaluating the evidence in this case?
2. Would the fact that Mr. Reyes is a black man make it more difficult for you to decide a verdict in his favor than if he were white?
3. Do you believe that black men are more likely than members of other races to commit crimes?

REYLANDO REYES
By his attorney,

/s/ Stylianus Sinnis
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CERTIFICATE OF SERVICE

I, Stylianus Sinnis, do hereby certify that this document has been filed electronically and that it will be served electronically to registered ECF participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on July 18, 2006.

/s/ Stylianus Sinnis
Stylianus Sinnis